

**Introduced by Senator Cannella****(Coauthors: Senators Berryhill, Dutton, Emmerson, Harman, Huff,  
La Malfa, Rubio, and Vargas)****(Coauthors: Assembly Members Jeffries, Olsen, Perea, V. Manuel Pérez,  
and Valadao)**February 22, 2012

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An act to add Section 21168.10 to the Public Resources Code, relating to environmental quality.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1214, as introduced, Cannella. Environmental quality: California Environmental Quality Act: judicial review.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA establishes judicial review procedures for challenging a lead agency action on the ground of noncompliance with CEQA.

This bill would require a judicial proceeding challenging a project, except for a high-speed rail project, located in a distressed county, as defined, to be filed with the Court of Appeal with geographic jurisdiction over the project.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21168.10 is added to the Public Resources  
2     Code, to read:  
3     21168.10. (a) An action or proceeding brought pursuant to  
4     this chapter challenging a project located in a distressed county  
5     shall be filed with the Court of Appeal with geographic jurisdiction  
6     over the project.  
7     (b) For the purpose of the section, a “distressed” county is a  
8     county meeting two of the following criteria:  
9     (1) The county has an unemployment rate higher than the  
10    statewide average for three consecutive months during the  
11    pendency of the administrative proceeding pursuant to this division.  
12    (2) The poverty level in the county is higher than the statewide  
13    average during the pendency of the administrative proceeding  
14    pursuant to this division.  
15    (3) The foreclosure rate in the county is higher than the statewide  
16    average during the pendency of the administrative proceeding  
17    pursuant to this division.  
18    (c) This section does not apply to projects related to high-speed  
19    rail.